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FILED

IN THE UNITED STATES DISTRICT COURT 30 PM 4 16  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CLERK, U.S. DISTRICT COURT

BALLY MANUFACTURING CORPORATION, )

Plaintiff, )

v. )

CIVIL ACTION NO. 78 C 2246 ✓

D. GOTTLIEB & CO., WILLIAMS )  
ELECTRONICS, INC. and )  
ROCKWELL INTERNATIONAL CORPORATION, )

Defendants. )

and

BALLY MANUFACTURING CORPORATION, )

Plaintiff, )

v. )

CIVIL ACTION NO. 79 C 713 ✓

GAME PLAN, INCORPORATED, )

Defendant. )

RESPONSE OF PLAINTIFF BALLY MANUFACTURING CORPORATION TO  
DEFENDANT'S SECOND SET OF INTERROGATORIES

Plaintiff, Bally Manufacturing Corporation, hereby  
responds to the First Interrogatory of defendant Game Plan,  
Incorporated, as follows:

INTERROGATORY NO. 1(i):

Please supplement and fully respond to defendant's  
Interrogatory No. 1.

INTERROGATORY NO. 1(a):

Identify each and every fact which forms a basis for the allegation in paragraph 8 of the Complaint that GPI "has infringed said Letters Patent No. 4,093,232 by manufacturing, selling and/or using in the Northern District of Illinois and elsewhere in the United States, pinball game apparatus covered by said Letters Patent."

RESPONSE:

See previous response. Also see documents produced by Game Plan in this litigation and testimony concerning those documents in deposition transcripts of appropriate GPI employees. .

INTERROGATORY NO. 1(b):

Identify each and every fact which forms a basis for the allegation in paragraph 9 of the Complaint that GPI "has contributed to and induced the infringement of said Letters Patent No. 4,093,232 by others in the Northern District of Illinois, and elsewhere in the United States.

RESPONSE:

See previous response.

INTERROGATORY NO. 1(c):

Identify each and every pinball game apparatus manufactured, sold and/or used by GPI which BALLY alleges in paragraph 8 of the Complaint is "covered by said Letters Patent."

RESPONSE:

All pinball games mentioned in the deposition of GPI witnesses which are or have been manufactured or sold by GPI.

INTERROGATORY NO. 1(d):

Identify each and every pinball game apparatus manufactured, sold and/or used by GPI, not previously identified in the answer to paragraph (a), (b) and/or (c) of this Interrogatory which BALLY believes is covered by the '232 Patent.

RESPONSE:

See previous response.

INTERROGATORY NO. 1(e):

Identify each of the claims of the '232 Patent which, at the time the Complaint herein was filed, BALLY believed covered pinball game apparatus manufactured, sold and/or used by GPI.

RESPONSE:

See previous response.

INTERROGATORY NO. 1(f):

As to each claim identified in the answer to paragraph (e) of this Interrogatory:

(1) State all of the facts known to BALLY, at the time the Complaint herein was filed, which form a basis for such belief.

RESPONSE:

See previous reponse.

(2) Identify all documents and all things which concern or in any way are deemed by BALLY to support its belief, at the time the Complaint herein was filed, that GPI was infringing the '232 Patent.

RESPONSE:

See previous response.

(3) Identify each such pinball game apparatus which BALLY believed, at the time the Complaint herein was filed, infringed each such claim of the '232 Patent.

RESPONSE:

See previous response.

(4) As to each pinball game apparatus identified in the answer to paragraph (f) (3) of this Interrogatory:

(i) State when and how BALLY first learned of the manufacture, sale and/or use thereof by GPI;

RESPONSE:

See previous response.

(ii) State the date BALLY first concluded that such pinball game apparatus infringed each such claim;

RESPONSE:

See previous response.

(iii) Identify the specific documents which BALLY has inspected or referred to in reaching its conclusion as of the date the Complaint herein was filed as to the particular patent claims which cover each GPI pinball game apparatus.

RESPONSE:

See previous response.

(iv) Describe all inspections and/or studies made by or for or known to BALLY to determine the characteristics or structures of such pinball game apparatus, and describe all results thereof, all dates of such inspections

and/or studies, the procedures and equipment used and results obtained, and identify all documents known to BALLY concerning such inspections and/or studies, and

RESPONSE:

See previous response. Plaintiff further objects to this interrogatory to the extent that it calls for revealing attorney work product or privileged communications.

(v) Identify every person, including every employee, agent, representative or attorney of BALLY who have referred to those documents identified in the answer to sub-paragraph (f) (4) (iii) of this Interrogatory in reaching the conclusion that each claim identified in the answer to paragraph (e) of this Interrogatory covers each GPI pinball apparatus identified in the answer to sub-paragraph (f) (3) of this Interrogatory.

RESPONSE:

See previous response.

INTERROGATORY NO. 1(g):

Identify each of the claims of the '232 Patent which BALLY now believes is being infringed by pinball game apparatus manufactured, sold and/or used by GPI.

RESPONSE:

See previous response.

INTERROGATORY NO. 1(h):

As to each claim identified in the answer to paragraph (g) of this Interrogatory:

(1) State all of the facts now known by BALLY which form a basis for such belief.

RESPONSE:

An analysis of pertinent documents produced by GPI and testimony of GPI witnesses show that pinball machines manufactured or sold by GPI apparently contains all of the elements of Claims 1 and 52.

(2) Identify all documents and all things which concern or in any way are deemed by BALLY to support its present belief that GPI is infringing the '232 Patent.

RESPONSE:

See response to Interrogatory 1(h) (1).

(3) Identify each such pinball game apparatus which BALLY now believes infringes each such claim of the '232 Patent.

RESPONSE:

See response to Interrogatory 1(c).

(4) As to each pinball game apparatus identified in the answer to paragraph (h) (3) of this Interrogatory:

(i) State when and how BALLY learned of the manufacture, sale and/or use by GPI;

RESPONSE:

See response to Interrogatory 1(f)(3).

(ii) State the date BALLY concluded that such pinball game apparatus infringed each such claim;

RESPONSE:

See previous response.

(iii) Identify the specific documents which BALLY has inspected or referred to in reaching its present belief as to the particular patent claims which cover each GPI pinball game apparatus;

RESPONSE:

See response to Interrogatory 1(f)(3).

(iv) Describe all inspections and/or studies made by or for or known to BALLY to determine the characteristics or structures of such pinball game apparatus, and describe all results thereof, all dates of such inspections and/or studies, the procedures and equipment used and results



obtained, and identify all documents known to BALLY concerning such inspections and/or studies; and

RESPONSE:

See previous response. Plaintiff further objects to this interrogatory to the extent that it calls for revealing attorney work product or privileged communications.

(v) Identify every person including every employee, agent, representative or attorney of BALLY who have referred to those documents identified in the answer to sub-paragraph (h) (4) (iii) of this Interrogatory in reaching the current belief that each claim identified in the answer to paragraph (g) of this Interrogatory covers each GPI pinball game apparatus identified in the answers to paragraph (h) (3) of this Interrogatory.

RESPONSE:

See previous response.

INTERROGATORY NO. 2:

With regard to each claim of the '232 Patent identified in BALLY's supplemental response to Interrogatory 1(g) pursuant to Interrogatory 1(i), apply on an element-by-element basis each claim allegedly infringed by any pinball game manufacutred by GAME PLAN, and specifically, refer

each claim element to circuit components of the schematic diagrams found in documents produced by GAME PLAN in this litigation and identified in the depositions of Messrs. Wilson and/or Spickerman.

RESPONSE:

Plaintiff objects to these Interrogatories as being vague and indefinite. To the extent that Plaintiff understands what is being asked, Plaintiff will only consider answering the Interrogatories if GPI identifies specific documents and stipulates that said documents are representative of the various types of pinball machines made or sold by GPI.